FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.342 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.G.V.Bhagat for the applicant.

Mr.U.V.Nikam APP for the State.

Coram : R.S.Mohite,J

Date : 14.2.2006.

PC

1. This application impugns an order dated 9.1.2006 passed by the IInd Ad-hoc Addl.Sessions Judge, Kalyan in an application for recall of witness filed in S.C.No.154 of 2002. It is seen from the application that admittedly, the cross-examination of the prosecutrix-Sunanda Wagh was completed on 30.12.2005 and thereafter the evidence proceeded and evidence of some other witnesses is also recorded. On 9.1.2006 an application came to be made in the trial Court for recall of the prosecutrix-Sunanda Wagh.

The application is signed by the Advocate for the accused and recall was sought on the ground that after the cross-examination of the witness, the Advocate had been provided entirely new information about the age and character of the prosecutrix-Sunanda Wagh of which he had not been instructed before and therefore, could not cross examine the prosecutrix on these new points. It is not stated in the application that this information was not known to his client prior to closure of the cross-examination. The nature of information has also not been disclosed. Across the bar it is stated that the same pertains to the school leaving certificate being a ficticious document. In my view, if applicant so desire, he may lead defence evidence. The trial Court has rightly rejected the application for recall on the ground of vague application. In the circumstances, application is rejected.

(R.S.Mohite,J)